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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,643	10/29/1999	EDMUND COLBY MUNGER	00479.84602	6165
7590	10/26/2004		EXAMINER	
BANNER & WITCOFF LTD 1001 G ST NW 11TH FLOOR WASHINGTON, DC 200014597			CHOWDHARY, ANITA	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/429,643	MUNGER ET AL.	
Examiner	Art Unit		
Anita Choudhary	2153		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_\_.  
2a)  This action is **FINAL**.                    2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1,2,4-20,22-24,26-42,44-51,53 and 68-70 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1,2,4-20,22-24,26-42,44-51 and 53 is/are allowed.

6)  Claim(s) 68-70 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date . . . . .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . . . .

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Amendment, filed July 29, 2004, with respect to the claims 20, 22, 42, 44, 50, 51, and 53 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. Upon further consideration, a new ground(s) of rejection is made for claims 68-79 in view of Basilico (US 6,243,360) in view of Carmi (US 5,311,593).

Claims 1, 2, 4-20, 22-24, 26-42, 44-51, 53, and 68-70 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basilico (US 6,243,360) in view of Carmi (US 5,311,593).

Basilico shows a method for a LAN switch routing a packet to a destination server by load balancing among the plurality of network interface cards belonging to one network server (see abstract and figure 1). Basilico shows:

A transmitting entity (switch, 10) that transmits data packets to a receiving computer (server) over a network, wherein the transmitting computer (10) comprises computer instructions that execute the step of, for each transmitted data packet, inserting into a header of the data packet a network address (server address), wherein the network address is used to route data

packets over the network and is generated using an algorithm that selects the network address quasi-randomly from a plurality of network addresses that are each mapped to the receiving computer (selecting from among the plurality of network server addresses) (fig. 1 and 5B, col. 5 lines 15-36).

Although Basilico shows substantial features of the claimed invention, Basilico does not show the network address for *extraction by the receiving computer*. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Basilico, as evidenced by Carmi.

In an analogous art, Carmi shows a secure communications network for checking data packet transmissions (see abstract). Carmi shows that a destination address is extracted from an incoming packet in order to compare the destination address with the address affiliated with the receiving entity (col. 5 lines 64- col. 6 lines 9).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Basilico to employ the features shown by Carmi in order to improve security of packet transmissions.

In referring to claim 69, Basilico shows the inserting of network address into the header portion of the packet (col. 5 lines 4-23).

In referring to claim 70, Basilico shows that the transmitting entity (10) transmits sufficient information to establish a valid network address (fig. 5A, col. 5 lines 40-60).

***Allowable Subject Matter***

Claims 1, 2, 4-20, 22-24, 26-42, 44-51, and 53 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita Choudhary  
October 15, 2004



FRANTZ B. JEAN  
PRIMARY EXAMINER